

EXHIBIT C-5

Best regards,

ANDY DENNIS
HEAD of FINANCE / ACTING CEO



From: Luke Keighran <luke@mergegames.com>
Sent: Thursday, March 23, 2023 2:06 AM
To: Digerati Accounts <andy@digeratidistribution.com>
Subject: Fwd: DMCA Takedown Notice

Hey Andy,

Can you please advise. I don't believe anything should be taken down until you resolve this in court.

Kind regards,

Luke

Get [Outlook for iOS](#)

From: Conrad Grindheim <conrad@conradicalgames.com>
Sent: Wednesday, March 22, 2023 10:09:19 AM
To: Luke Keighran <luke@mergegames.com>
Subject: DMCA Takedown Notice

Hi Luke,

Conradical has filed its counterclaim, I've attached it to this email. Conradical requests that Merge Games (i) take down the complained of material for The Outbound Ghost in light of Digerati's ongoing copyright infringement and the ongoing litigation between the parties, and (ii) not restore such material until the matter has been resolved.

Best regards,

Conrad Grindheim

Lead Developer

[Twitter](#) | [YouTube](#) | [LinkedIn](#)



Best regards,

ANDY DENNIS
HEAD of FINANCE / ACTING CEO



From: Alan Wild <alan.wild@fanatical.com>
Sent: Friday, March 24, 2023 10:16 AM
To: Digerati Accounts <andy@digeratidistribution.com>
Cc: Grant Hughes <grant.hughes@fanatical.com>; Matthew Harper <matt.harper@fanatical.com>; Todd Nash <todd.nash@fanatical.com>; Sandra Clarke <sandra.clarke@fanatical.com>; Mark Cotterell <mark.cotterell@fanatical.com>; Christian Cowart <ccowart@creedon.com>; Charis Poynton <charis.poynton@fanatical.com>; Des Cussen <dcussen@fandom.com>
Subject: Re: DMCA Counter Notification of Notice to Remove or Disable Material

Hello Andy,

In continuation of this subject and material, please note that we have received the attached counterclaim from Conradical, and as such the product The Outbound Ghost shall be delisted and removed from sale from the Fanatical platform unless or until the removal of the material ceases to be applicable.

Thank you and kind regards,

Alan

On Fri, 10 Mar 2023 at 17:35, Digerati Accounts <andy@digeratidistribution.com> wrote:

Hi Alan

Many thanks for letting me know and thank you for putting the game back on sale. It is very much appreciated!

Best regards,

ANDY DENNIS
HEAD of FINANCE / ACTING CEO



From: Alan Wild <alan.wild@fanatical.com>
Sent: 10 March 2023 16:12
To: Digerati Accounts <andy@digeratidistribution.com>
Cc: Grant Hughes <grant.hughes@fanatical.com>; Matthew Harper <matt.harper@fanatical.com>; Todd Nash <todd.nash@fanatical.com>; Sandra Clarke <sandra.clarke@fanatical.com>; Mark Cotterell <mark.cotterell@fanatical.com>; Christian Cowart <ccowart@creedon.com>; Charis Poynton <charis.poynton@fanatical.com>; Des Cussen <dcussen@fandom.com>
Subject: Re: DMCA Counter Notification of Notice to Remove or Disable Material

Hello Andy,

Further to your previous email, I hereby confirm the product The Outbound Ghost has been made available for purchase again on the Fanatical platform, and the materials can be found at the following url:
<https://www.fanatical.com/en/game/the-outbound-ghost>

This action has been taken 14 calendar days following confirmation by Conradical of receipt of the Counter Notice to the DMCA Takedown Notice.

Kind regards,
Alan

On Wed, 8 Mar 2023 at 14:24, Digerati Accounts <andy@digeratidistribution.com> wrote:

Dear Sirs

Please confirm that you have replaced the removed materials, the Outbound Ghost, and ceased disabling access to The Outbound Ghost within the period required by 17 U.S.C. § 512(G)(2)(C) following your receipt of Digerati's February 21, 2023 Counternotice.

DIGERATI_000341

Best regards,

ANDY DENNIS

HEAD of FINANCE / ACTING CEO



From: Alan Wild <alan.wild@fanatical.com>

Sent: 24 February 2023 12:19

To: Digerati Accounts <andy@digeratidistribution.com>

Cc: Grant Hughes <grant.hughes@fanatical.com>; Matthew Harper <matt.harper@fanatical.com>; Todd Nash <todd.nash@fanatical.com>; Sandra Clarke <sandra.clarke@fanatical.com>; Mark Cotterell <mark.cotterell@fanatical.com>; Christian Cowart <ccowart@creedon.com>; Charis Poynton <charis.poynton@fanatical.com>; Des Cussen <dcussen@fandom.com>

Subject: Re: DMCA Counter Notification of Notice to Remove or Disable Material

Hi Andy,

I confirm receipt and acknowledgement of the Counter Notification.

In the interest of completeness and clarity, I confirm Fanatical will continue to follow the requirements of the procedures in place for DMCA notifications and counter-notifications. Please note that through the course of events this may involve re-listing the product (The Outbound Ghost) on Fanatical, dependent upon the process of the DMCA Counter Notice and whether Conradical Sàrl does or does not sue Digerati Distribution.

Kind regards,

Alan

On Tue, 21 Feb 2023 at 16:55, Digerati Accounts <andy@digeratidistribution.com> wrote:

Dear Sirs

Please find attached our Counter Notification further to the DMCA Takedown Notice you recently received regarding The Outbound Ghost.

Best regards,

ANDY DENNIS

HEAD of FINANCE / ACTING CEO



Best regards,

ANDY DENNIS
HEAD of FINANCE / ACTING CEO



From: Aleksandra Kołodziejczyk <akolodziejczyk@gog.com>
Sent: Monday, March 27, 2023 7:45 AM
To: Digerati Accounts <andy@digeratidistribution.com>
Cc: GOG Legal <legal@gog.com>; Rafal Miazga <rmiazga@gog.com>; Aleksander Kupisiewicz <akupisiewicz@gog.com>; Christian Cowart <ccowart@creedon.com>
Subject: Re: [EXTERNAL] DMCA Counter Notification of Notice to Remove or Disable Material

Dear Andy,
On March 22nd Conradical Sarl informed us about an ongoing litigation between Digerati and Conradical regarding The Outbound Ghost.
We express no view with regard to the litigation and wish to retain positive relations with Digerati, but at the same time we must protect GOG's interest.
In light of the abovementioned, we have decided to remove The Outbound Ghost from GOG.com distribution until the issue is resolved between the Parties. We do hope to see this happen soon. We would also appreciate you updating us once this matter is resolved.
In case of any questions, feel free to contact us at legal@gog.com.
Kind regards,



Aleksandra Kołodziejczyk (she/they) | Head of Legal | Lean Partner
e: akolodziejczyk@gog.com
gog.com | cdprojekt.com
artczajki.pl | darynowa.pl
[twitcher.com](https://www.twitch.tv/gog) | [youtube.com](https://www.youtube.com/channel/UCqB8r0uK1n1)
GOG sp. z o.o. Jagiellońska 74, 03-301 Warsaw, Poland
NIP: PL1132177807

On Fri, 10 Mar 2023 at 12:04, Digerati Accounts <andy@digeratidistribution.com> wrote:

Hi Aleksandra

No need to apologise. We really appreciate you putting the game back up again. Thank you!

Best regards,
ANDY DENNIS
HEAD of FINANCE / ACTING CEO



From: Aleksandra Kołodziejczyk <akolodziejczyk@gog.com>
Sent: 10 March 2023 10:17
To: Digerati Accounts <andy@digeratidistribution.com>
Cc: GOG Legal <legal@gog.com>; Rafal Miazga <rmiazga@gog.com>; Aleksander Kupisiewicz <akupisiewicz@gog.com>; Christian Cowart <ccowart@creedon.com>
Subject: Re: [EXTERNAL] DMCA Counter Notification of Notice to Remove or Disable Material

Dear Andy,
I'm sorry for the late reply.
We hereby confirm that The Outbound Ghost has been restored on GOG.com platform and is currently being distributed (please see the active product page [here](#)).
Kind regards,



Aleksandra Kołodziejczyk (she/they) | Head of Legal | Lean Partner
e: akolodziejczyk@gog.com
gog.com | cdprojekt.com
artczajki.pl | darynowa.pl
[twitcher.com](https://www.twitch.tv/gog) | [youtube.com](https://www.youtube.com/channel/UCqB8r0uK1n1)
GOG sp. z o.o. Jagiellońska 74, 03-301 Warsaw, Poland
NIP: PL1132177807

On Wed, 8 Mar 2023 at 15:19, Digerati Accounts <andy@digeratidistribution.com> wrote:

Dear Sirs

DIGERATI_000343

Please confirm that you have replaced the removed materials, the Outbound Ghost, and ceased disabling access to The Outbound Ghost within the period required by 17 U.S.C. § 512(G)(2)(C) following your receipt of Digerati's February 21, 2023 Counternotice.

Best regards,

ANDY DENNIS
HEAD of FINANCE / ACTING CEO



From: GOG Legal <legal@gog.com>
Sent: 22 February 2023 08:23
To: Digerati Accounts <andy@digeratidistribution.com>
Cc: Rafal Miazga <rmiazga@gog.com>; Aleksander Kupisiewicz <akupisiewicz@gog.com>; Christian Cowart <ccowart@creedon.com>
Subject: Re: [EXTERNAL] DMCA Counter Notification of Notice to Remove or Disable Material

Dear Andy,

Thank you for your email and for submitting your formal counter notice. We hereby confirm the receipt of the counter notice on February 21st, 2023.

GOG expresses no view on this and is required to follow standard legal processes for IP infringement claims. We will now forward the counter notice to Conradical Sàrl.

In case of any questions, please do not hesitate to contact us.

Best regards,



Aleksandra Kołodziejczyk (she/they) | Tax & Legal Team Lead
e: akolodziejczyk@gog.com

gog.com | cdrozniak@gog.com
en.odrozniak@gog.com | playowent@gog.com
theswitcher.com | cyberpunk.net
GOG sp. z o.o. Jagiellońska 74, 03-301 Warsaw, Poland
NIP: PL1132177807

On Tue, 21 Feb 2023 at 18:03, Digerati Accounts <andy@digeratidistribution.com> wrote:

Dear Sirs

Please find attached our DMCA Counter Notification relating to The Outbound Ghost.

Best regards,

ANDY DENNIS
HEAD of FINANCE / ACTING CEO



GOG sp. z o.o. | ul. Jagiellońska 74, 03-301 Warszawa | Share capital: PLN 135 750 | Registered at District Court for Warsaw, 14th Commercial Division of the KRS | KRS 29514 | NIP 1132177807 | REGON 1607884
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Best regards,

ANDY DENNIS
HEAD of FINANCE / ACTING CEO



From: Sameer Pandit <sameer@softsource.sg>
Sent: Monday, March 27, 2023 2:30 AM
To: Andy Dennis <andy@digeratidistribution.com>
Cc: Stephen Hibbler <stephen@digeratidistribution.com>
Subject: Fwd: DMCA Takedown Notice Update - The Outbound Ghost

I am sure you are already aware of this ...wasnt on my emails for past few days

----- Forwarded message -----

From: **Conrad Grindheim** <conrad@conradicalgames.com>
Date: Thu, Mar 23, 2023 at 1:18 AM
Subject: DMCA Takedown Notice Update - The Outbound Ghost
To: <PR@softsource.sg>, <support@softsource.sg>, Sameer Pandit <sameer@softsource.sg>

Hi there,

Conradical has filed its counterclaim, I've attached it to this email. Conradical requests that Soft Source (i) take down the complained of material for The Outbound Ghost in light of Digerati's ongoing copyright infringement and the ongoing litigation between the parties, and (ii) not restore such material until the matter has been resolved.

Best regards,

Conrad Grindheim

Lead Developer

[Twitter](#) | [YouTube](#) | [LinkedIn](#)



From: [DMCA](#)
To: ["Digerati Accounts"; "stephen@digeratidistribution.com"](#)
Cc: [Chris Schenck; ccowart@creedon.com; DMCA](#)
Subject: RE: DMCA Counter Notification of Mistaken Removal or Disabling of Material - DMCA Takedown Notice No. 34304
Date: Monday, March 27, 2023 1:18:58 PM
Attachments: [35640061_1_04 - Defs" Answer, Affirmative Defenses and COUNTERCLAIMS to Plt's First Amended Complaint.pdf](#)

Hello,

Based on the attached legal filing, we have removed the game The Outbound Ghost from the Steam Store. Because of the ongoing legal issues, the game will remain off Steam until the matter is resolved.

Regards,
DMCA Team

From: Digerati Accounts <andy@digeratidistribution.com>
Sent: Wednesday, March 8, 2023 12:15 PM
To: DMCA <dmca@valvesoftware.com>
Cc: Chris Schenck <chriss@valvesoftware.com>; Copyright <copyright@valvesoftware.com>; ccowart@creedon.com
Subject: RE: DMCA Counter Notification of Mistaken Removal or Disabling of Material - DMCA Takedown Notice No. 34304

Hi there.

Many thanks. This is very much appreciated.

Best regards,

ANDY DENNIS
HEAD of FINANCE / ACTING CEO

From: DMCA <dmca@valvesoftware.com>
Sent: 08 March 2023 19:33
To: 'Digerati Accounts' <andy@digeratidistribution.com>; DMCA <dmca@valvesoftware.com>
Cc: Chris Schenck <chriss@valvesoftware.com>; Copyright <copyright@valvesoftware.com>;

ccowart@creedon.com

Subject: RE: DMCA Counter Notification of Mistaken Removal or Disabling of Material - DMCA
Takedown Notice No. 34304

Hello,

In accordance with the DMCA counter-notice process, we reinstated the game to the store on 03/07/2023.

Regards,
DMCA

From: Digerati Accounts <andy@digeratidistribution.com>

Sent: Wednesday, March 8, 2023 5:53 AM

To: DMCA <dmca@valvesoftware.com>

Cc: Chris Schenck <chriss@valvesoftware.com>; Copyright <copyright@valvesoftware.com>;
ccowart@creedon.com

Subject: FW: DMCA Counter Notification of Mistaken Removal or Disabling of Material - DMCA
Takedown Notice No. 34304

Dear Sirs

Please confirm that you have replaced the removed materials, The Outbound Ghost, and ceased disabling access to The Outbound Ghost within the period required by 17 U.S.C. § 512(g)(2)(C) following your receipt of Digerati's February 21, 2023 Counternotice.

Best regards,

ANDY DENNIS

HEAD of FINANCE / ACTING CEO

From: DMCA <dmca@valvesoftware.com>

Sent: 21 February 2023 20:45

To: 'Digerati Accounts' <andy@digeratidistribution.com>

Cc: Chris Schenck <chriss@valvesoftware.com>; 'Christian Cowart' <ccowart@creedon.com>; DMCA
<dmca@valvesoftware.com>

Subject: RE: DMCA Counter Notification of Mistaken Removal or Disabling of Material - DMCA
Takedown Notice No. 34304

Thank you, we've forwarded your counter-notice to the plaintiff, who now has 10 business days to take legal action against you. If the plaintiff chooses to take no legal action, we will reinstate your content by the end of the day on 03/07/2023.

From: Digerati Accounts <andy@digeratidistribution.com>

Sent: Tuesday, February 21, 2023 9:00 AM

To: DMCA <dmca@valvesoftware.com>

Cc: Chris Schenck <chriss@valvesoftware.com>; Copyright <copyright@valvesoftware.com>;
'Christian Cowart' <ccowart@creedon.com>

Subject: DMCA Counter Notification of Mistaken Removal or Disabling of Material - DMCA Takedown
Notice No. 34304

Dear Sirs

Please find attached our DMCA Counter Notification regarding the above.

Best regards,

ANDY DENNIS

HEAD of FINANCE / ACTING CEO
